

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

VICKY JONES,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

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Civil Action No.: 03:05-cv-0420F

**PLAINTIFF'S RESPONSE TO THE
SHOW CAUSE ORDER DATED OCTOBER 6, 2005**

_____ **COMES NOW** the Plaintiff, Vicky Jones, and responds to the Show Cause Order dated October 6, 2005 as follows:

1. The Plaintiff adopts and realleges its response to the Defendant's Motion to Dismiss, or in the alternative for Summary Judgment, along with exhibits A & B, previously filed on August 5, 2005.

2. Exhibit A clearly indicates that there is an issue of fact as to whether the Plaintiff filed her administrative claim within the statute of limitations, and that is the only issue before this Court. Plaintiff presented evidence that the claim form was sent to the staff Judge Advocate in Fort Benning, Georgia, regardless of the fact that the Army claims to have never received the form. Consequently, if the claim form was not filed within the statute of limitations, it is the fault of the Army, not the Plaintiff, and the Defendant's Motion is due to be denied.

Respectfully submitted,

/s/ Richard F. Horsley

Richard F. Horsley HOR023
Attorney for Plaintiff

OF COUNSEL:

GOOZÉE, KING & HORSLEY, LLP
Shades Brook Building, Suite 200
3300 Cahaba Road
Birmingham, Alabama 35223
(205) 871-1310

CERTIFICATE OF SERVICE

I do hereby certify that I have served the foregoing on all counsel of record, by placing a copy of same in the United States Mail, first class postage prepaid on this the 18th day of October, 2005.

/s/ Richard F. Horsley

Richard F. Horsley HOR023
Attorney for Plaintiff

R. Randolph Neeley, Esq.
Assistant United States Attorney
Post Office Box 197
Montgomery, Alabama 36101-0197